

WA 487/2005

BEFORE

THE HON'BLE MR JUSTICE D. BISWAS,

CHIEF JUSTICE(ACTG.)

THE HON'BLR MR JUSTICE H.N.SARMA

The unsuccessful writ petitioner Md Babul Rahman has again agitated his cause espoused in the writ petition by filing this appeal. The crux of the allegation of the writ petitioner as made out in the writ petition inter-alia is that he was served with a notice by the Foreigners Tribunal, Dibrugarh to appear in the Tribunal to which, he did not respond. The learned Tribunal issued him the notice in connection with Case No.FTI 1501/02(P.E.No.2793/99) which was registered questioning as to whether he is a citizen of India under the provisions of Citizenship Amendment Act, 1985. Despite service of the aforesaid notice, the writ petitioner not having turned up to defend his case before the learned Tribunal, his case proceeded exparte against him. Consequently, by the order dated 10.8.2004 the learned Tribunal declared him to be a foreigner under the provisions of the aforesaid Act, allowing to register his name in the Foreigners Registration Office within two months. Challenging the aforesaid order, the petitioner having approached this Court in the aforesaid writ petition, the learned Single Judge dismissed the same, which is the subject matter of this appeal.

2. Heard Mr AB Choudhury, learned senior counsel for the appellant-writ petitioner; Mr H. Rahman, learned Asstt. SGI and Mr BJ Talukdar, learned State counsel for the concerned Respondents.

3. We have perused the materials before us and also given our anxious consideration to the issue involved in this appeal.

4. Upon perusal of the materials before us, we are in agreement with the ultimate decision rendered by the learned Single Judge in the aforesaid writ petition.

5. In the result, the appeal is dismissed. The order passed by the learned Tribunal on 10.8.2004 in Case No.FTI 1501/02 (P.E.No. 2793/99) shall remain operative.